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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 UNITED STATES OF AMERICA,) CR No. 07-764-SI
17 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
18 v.) EXCLUDING TIME UNDER 18 U.S.C. § 3161
19 JUAN HERRERA-SANTOS,)
20 Defendant.)
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22 On April 18, 2008, the parties in this case appeared before the Court and stipulated that time
23 from April 18, 2008 through April 25, 2008 should be excluded from Speedy Trial Act
24 calculations because both parties need adequate time to assess the status of the case in light of
25 the Court's decision on the defendant's Motion to Dismiss. The parties represented to the Court
26 that the length of the requested continuance was the reasonable amount of time necessary for
27 effective preparation of defense counsel and government counsel, taking into account the
28 exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends

1 of justice served by this continuance outweighed the best interests of the public and the
2 defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

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4 SO STIPULATED:

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6 JOSEPH P. RUSSONIELLO
United States Attorney

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8 DATED: April 21, 2008

/s/
TAREK J. HELOU
Assistant United States Attorney

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10 DATED: April 21, 2008

/s/
STEVEN KALAR
Attorney for Defendant JUAN HERRERA-SANTOS

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14 As the Court found on April 18, 2008, and for the reasons stated above, the Court finds that
15 the ends of justice served by the requested continuance outweigh the best interests of the public
16 and the defendant in a speedy trial. The Court also finds that time from April 18, 2008 through
17 April 25, 2008 shall be excluded from Speedy Trial Act calculations for effective preparation of
18 counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the requested continuance would deny
19 counsel reasonable time necessary for effective preparation, taking into account the exercise of
20 due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

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22 SO ORDERED.

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24 DATED: _____

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28 THE HONORABLE SUSAN ILLSTON
United States District Judge

